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In re Application of	:	
Todd Robert Colos et al.	:	DECISION ON PETITION UNDER
Application No. 09/935,120	:	37 C.F.R. 1.181 TO REMOVE
Filed: August 28, 2001	:	FINAL STATUS
For: ELECTRONIC ADVERTISEMENT:	:	
SYSTEM AND METHOD	:	

This is in response to applicant's Petition filed on October 27, 2004, requesting withdrawal of the finality of the Office action mailed October 12, 2004 as being premature.

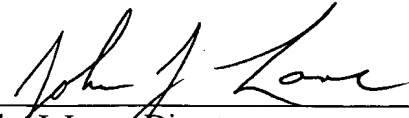
The petition is **DISMISSED AS MOOT**.

Petitioner alleges that the final rejection dated October 12, 2004 was premature since this Office action contained a new grounds of rejection not necessitated by applicant's amendment to the claims.

MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. 1.97 (c) with the fee set forth in 37 C.F.R. 1.17(p).

A review of the record indicates that in response to applicants after final submission dated December 13, 2004, the examiner has already withdrawn finality of the Office action and issued a new, non-final rejection on January 11, 2005.

Summary: *Petition Dismissed as Moot*



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